

### **REMARKS**

Claims 4-7 are currently pending and under examination. Reconsideration in light of the following remarks is respectfully requested.

#### **Obviousness-type Double Patenting Rejections**

Claims 4-7 stand rejected under the doctrine of obviousness-type double patenting in view of the claims 1-115 of copending Application No. 10/464,410. Applicants respectfully traverse.

Currently, claims 1, 8, 9, 13, 14, 18, 21-27 and 152 are the only claims pending in Application No. 10/464,410 (Applicants' Reference No. 068911-0023), which are drawn to an anti-inflammatory therapeutic composition, said therapeutic composition comprising an effective amount of a first component selected from the group consisting of dihydro-isohumulone, dihydro-isocohumulone, and dihydro-adhumulone; and as a second component, from 0.5 to 5,000 mg of at least one member selected from the group consisting of rosemary, an extract derived from rosemary, a compound derived from rosemary, oleanolic acid and ursolic acid. Applicants respectfully submit that claims in Application No. 10/464,410 do not contain every element of a corresponding claim in the instant application. As such, claims in Application No. 10/464,410 do not anticipate or render obvious the claims in the instant application, and thus the rejection should be withdrawn.

Claims 4-7 stand rejected under the doctrine of obviousness-type double patenting in view of the claims 1-34 of copending Application Serial No. 10/464,834. Applicants respectfully traverse.

Currently, claims 1, 35-36 and 39-40 are the only claims pending in Application No. 10/464,834 (Applicants' Reference No. 068911-0012), which are drawn to a method of modulating the inflammatory response in cells, the method comprising contacting the cells with a reduced isoalpha acid selected from the group consisting of dihydro-isoalpha acids, tetrahydro-isoalpha acids, and hexahydro-isoalpha acids. Applicants respectfully submit that claims in Application No. 10/464,834 do not contain every element of a corresponding claim in the instant application.

As such, claims in Application No. 10/464,834 do not anticipate or render obvious the claims in the instant application, and thus the rejection should be withdrawn.

Claims 4-7 stand rejected under the doctrine of obviousness-type double patenting in view of the claims 1-115 of copending U.S. Application Nos. 11/344,555, 11/344,556 and 11/344,557. Applicants respectfully traverse.

Currently, claims 91-97, 99-102 and 105-109 are pending in Application No. 11/344,555 (Applicants' Reference No. 068911-0141) which are drawn to a method of treating a pathological condition in a mammal involving inhibiting inducibility or activity of cyclooxygenase-2 (COX-2), the method comprising administering to the mammal a composition comprising a first component selected from the group consisting of reduced isoalpha acids, tetra-hydroisoalpha acids, and hexa-hydroisoalpha acids and a second component selected from the group consisting of rosemary, an extract derived from rosemary, a compound derived from rosemary, oleanolic acid and ursolic acid. Applicants respectfully submit that claims in Application No. 11/344,555 do not contain every element of a corresponding claim in the instant application. As such, claims in Application No. 11/344,555 do not anticipate or render obvious the claims in the instant application, and thus the rejection should be withdrawn.

Currently, claims 110-134 are pending in Application No. 11/344,556 (Applicants' Reference No. 068911-0142) which are drawn to a method of inhibiting prostaglandin synthesis selectively in target cells, the method comprising contacting the cells with a first component selected from the group consisting of reduced isoalpha acids, tetra-hydroisoalpha acids, and hexa-hydroisoalpha acids and a second component selected from the group consisting of rosemary, an extract derived from rosemary, a compound derived from rosemary, a triterpene species, a diterpene lactone, and tryptanthrin. Applicants respectfully submit that claims in Application No. 11/344,556 do not contain every element of a corresponding claim in the instant application. As such, claims in Application No. 11/344,556 do not anticipate or render obvious the claims in the instant application, and thus the rejection should be withdrawn.

Currently, claims 51, 116-131 are pending in Application No. 11/344,557 (Applicants'

Reference No. 068911-0139) which are drawn to a method of treating inflammation in a subject, the method comprising administering to the subject a composition comprising a first component selected from the group consisting of dihydro-isohumulone, dihydro-isocohumulone, and dihydro-isoadhumulone, and a second component selected from the group consisting of rosemary, an extract derived from rosemary, a compound derived from rosemary, oleanolic acid, and ursolic acid. Applicants respectfully submit that claims in Application No. 11/344,557 do not contain every element of a corresponding claim in the instant application. As such, claims in Application No. 11/344,557 do not anticipate or render obvious the claims in the instant application, and thus the rejection should be withdrawn.

Claims 4-7 stand rejected under the doctrine of obviousness-type double patenting in view of the claims 1-34 of copending U.S. Application Nos. 11/344,552, 11/344,554 and 11/403,034.

With respect to copending U.S. Application Nos. 11/344,552 (Applicants' Reference No. 068911-0138) and 11/344,554 (Applicants' Reference No. 068911-0136), Applicants accept the Examiner's determination and have provided a terminal disclaimer in compliance with 37 C.F.R. 1.321(c) joining the instant case to that of U.S. Application Nos. 11/344,552 and 11/344,554.

Currently, claims 35-46 are pending in U.S. Application No. 11/403,034 (Applicants' Reference No. 068911-0147), which are drawn to a method of treating pain in a mammal associated with tissue-specific activation of inflammation, comprising the step of administering to the mammal a composition comprising a compound selected from the group consisting of reduced isoalpha acids, tetra-hydroisoalpha acids, and hexa-hydroisoalpha acids. Applicants respectfully submit that claims in Application No. 11/403,034 do not contain every element of a corresponding claim in the instant application. As such, claims in Application No. 11/403,034 do not anticipate or render obvious the claims in the instant application, and thus the rejection should be withdrawn.

Claims 4-7 are provisionally rejected under the doctrine of obviousness-type double patenting in view of the claims 1-12 of copending Application No. 10/789,817.

Currently, claims 1-32 are pending in U.S. Application No. 10/789,817 (Applicants'

Reference No. 068911-0074). Claim 1 (from which claims 2-15 depend) is drawn to a composition for treatment of inflammation comprising (1) a compound selected from the group consisting of reduced isoalpha acids, tetra-hydroisoalpha acids, and hexa-hydroisoalpha acids; and (2) a methylxanthine, wherein the compound and the methylxanthine are in synergistic amounts. Claim 16 (from which claims 17-32 depend) is drawn to a composition comprising a compound selected from the group consisting of reduced isoalpha acids, tetra-hydroisoalpha acids, and hexa-hydroisoalpha acids; and a curcuminoid. Applicants respectfully submit that claims in Application No. 10/789,817 do not contain every element of a corresponding claim in the instant application. As such, claims in Application No. 10/789,817 do not anticipate or render obvious the claims in the instant application, and thus the rejection should be withdrawn.

Although Applicants believe that the obviousness-type double patenting rejections in view of U.S. Application Nos. 10/464,410; 10/464,834; 11/344,555; 11/344,556; 11/344,557; 11/403,034 and 10/789,817 should be withdrawn and respectfully request that the Examiner reconsider these rejections in view of the foregoing reasons, however in the interest of expediting the prosecution of the instant application and without prejudice, Applicants herewith submit terminal disclaimers for all of the copending applications cited. Applicants respectfully request that the Examiner enter the terminal disclaimers if not persuaded by the above-stated reasoning.

### **Conclusion**

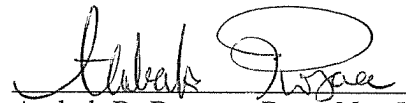
In light of the remarks herein, Applicants submit that the claims are now in condition for allowance and respectfully request a notice to this effect. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicant's agent at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to deposit account 50-1133 and please credit any excess fees to such deposit account. The Commissioner for Patents is also authorized to charge any fees required under 37 C.F.R. § 1.20(d) for filing of the terminal disclaimers to deposit account 50-1133.

Respectfully submitted,

McDermott Will & Emery LLP

Date: May 4, 2009

A handwritten signature in cursive script, appearing to read "Atabak R. Royae", is written over a horizontal line.

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